

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director
954-797-1101

SUBJECT: Ordinance
Agricultural Uses and Farms

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTIONS 12-34. ENTITLED "STANDARDS ENUMERATED"; PROVIDING FOR DETAILED USE REGULATIONS RELATED TO FARMS AND AGRICULTURAL USES; AND AMENDING SECTION 12-503 ENTITLED "DEFINITIONS"; PROVIDING FOR DEFINITIONS RELATING TO FARMS AND AGRICULTURAL USES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

The proposed Ordinance is being brought before Town Council at Council direction. The Ordinance, as presented, has not been modified by staff. Upon a cursory review by staff, there appear to be several internal inconsistencies between the proposed code language and other existing code provisions, which may cause implementation issues in the future.

PREVIOUS ACTIONS: Town Council, approved, on first reading, a previous version of an amendment to Section 12-34 (B) on November 7, 2001. The second reading was tabled at the November 20, 2001 meeting to the December 19, 2001 meeting. The tabling request is in order to allow this version of an amendment of Section 12-34 (B) to be reviewed and approved on first reading on December 4, 2001 and run concurrent with the first version of 12-34 (B) on second and final reading for December 19, 2001.

CONCURRENCES: The Planning and Zoning Board, sitting as the Local Planning Agency, at its October 10, 2001 meeting recommended deletion of Section 12-34(B) with the stipulation that another ordinance would be simultaneously installed in its place (4-0 Mr. Waitkus absent).

At the December 12, 2001 Local Planning Agency meeting, Vice-Chair Bender made a motion, seconded by Ms. Moore, to move the ordinance forward as is and let the Town Council decide on staff's recommendations (4-0 Mr. Waitkus absent).

RECOMMENDATION(S): Staff has reviewed the proposed ordinance and has attached the recommendations made at the December 12, 2001 Planning and Zoning Board meeting.

Attachment(s): Ordinance, Section 12-32, Table of Permitted Uses, Comments and Recommendations

ORDINANCE

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTIONS 12-34. ENTITLED "STANDARDS ENUMERATED"; PROVIDING FOR DETAILED USE REGULATIONS RELATED TO FARMS AND AGRICULTURAL USES; AND AMENDING SECTION 12-503 ENTITLED "DEFINITIONS"; PROVIDING FOR DEFINITIONS RELATING TO FARMS AND AGRICULTURAL USES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on December 12, 2001; and

WHEREAS, the Town Council of the Town of Davie held public hearings on December 4, 2001 and the date the Ordinance was signed.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. Division II, Section 12-34. Standards Enumerated and Section 12-503. Definitions of Chapter 12 of the Town Code, is hereby amended to read:

Sec. 12-34 Standards enumerated.

~~(B) Agriculture~~ () Animals

(1) That portion of any structure containing not more than three (3) stalls a maximum of twelve (12) feet by twelve (12) feet, a tack room, and feed room, used for housing or feeding livestock shall be at least forty (40) feet from any other property under separate ownership, from any public road right-of-way or any existing structure. For each additional stall not to exceed twelve (12) feet by twelve (12) feet, an additional ten (10) foot setback shall be required, to a maximum setback of one hundred (100) feet. This requirement shall not apply to non-residential farm buildings or structures on farms used for agricultural purpose on a plot larger than five (5) acres in size. On any farm less than five (5) acres in size, any farm building or structure on a portion of a plot occupied by a farm shall either be located not less

than fifty (50) feet from any lot line, or shall have buffer consisting of an opaque fence, hedge or berm to a minimum height of six (6) feet.

~~2) Dude ranches, riding stables, livery stables, breeding, and boarding stables are permitted in the RR, AG, and A-1 districts by special permit issued pursuant to Article X, and are limited to a maximum of eight (8) horses per acre.~~

~~3)~~ (2) In the RR, AG, A-1, RO, O, CC, B-1, B-2, B-3, M-1, M-2, and M-3 districts, permitted livestock is limited to a total of four (4) livestock on a minimum thirty-five thousand (35,000) square foot plot, including cattle, horses, sheep and goats. Ten (10) rabbits and/or twenty-five (25) poultry are permitted on a minimum thirty-five thousand (35,000) square foot plot, provided however, that the poultry and rabbits are in a completely penned area. The number and types of animals shall not be restricted on farms used for an agricultural purpose in these districts subject to restrictions on the keeping or raising of pigs or hogs as set forth below in subparagraph (13).

~~(4)~~ (3) In the R-1 district, permitted livestock is limited to four (4) livestock on a minimum thirty-five thousand (35,000) square foot plot, including cattle, horses, sheep and goats, ten (10) rabbits and/or five (5) poultry; provided, that two (2) additional livestock may be kept for each thirty-five thousand (35,000) square feet in excess of the minimum required plot size; and, further provided, that the poultry and rabbits are in a completely penned area. The number and types of animals shall not be restricted on farms existing on the date this Ordinance is adopted by the Town Council used for an agricultural purpose in this district. The transfer of ownership of any such existing farm or change of agricultural use shall not change its status from that of a farm, subject to the restrictions on the keeping or raising of pigs or hogs as set forth below in subparagraph (13).

~~(5)~~ (4) In the RR, AG, and A-1 districts, cattle and dairy farms are permitted pursuant to a minimum parcel size requirement of two and one-half (2-1/2) acres. Pasture rental is a permitted use in the RR, AG and A-1 districts limited to a maximum of two (2) livestock on a minimum thirty-five thousand (35,000) square foot plot and subject to the maximum number of livestock permitted within the district. This limitation on the number of livestock shall not apply to farms used for agricultural purpose in these districts.

~~(6)~~ (5) In the R-1 district, pasture rental is limited to a maximum of two (2) livestock on a minimum thirty-five thousand (35,000) square foot plot and subject to the maximum number of livestock permitted within the district. This limitation on the number of livestock shall not apply to farms existing on the date this Ordinance is adopted by the Town Council used for an agricultural purpose in this district. The transfer of ownership of any such existing farm or change of agricultural use shall not change its status from that of a farm.

~~(7)~~ (6) In the RR, AG, and A-1 districts, retail sales shall be limited to agricultural

products grown **kept, or raised** on site, and shall be limited to a maximum of twenty-five percent of the allowable building space on the site. **The limitation on the size of building space shall not apply to farms used for an agricultural purpose in these districts.**

~~(8)~~(7) In the RR, AG, and A-1 districts, beekeeping is permitted on a minimum plot of five (5) acres, provided the hives are to be located a minimum of one hundred (100) feet from all property lines.

~~(9)~~ (8) Aviaries, roofed hutches, dog houses and dog runs shall be a minimum of forty (40) feet from all property lines in the RR, AG, A-1, R-1, R-2, CC, RO, O, B-1, B-2, and B-3 districts. Roofed hutches, dog houses and dog runs are not permitted within required setbacks in the R-3, R-4 or R-5, RM-5, RM-8, RM-10 districts. Aviaries are not permitted in the R-3, R-4, or R-5 districts.

~~(10)~~ (9) In the RR, AG, and A-1 districts, an animal hospital and/or clinic facility may be permitted, subject to the following limitations:

- (a) There shall be adequate soundproofing in any area where animals are contained or treated.
- (b) There shall be no overnight boarding, except in conjunction with medical needs associated with animal hospitals or clinic activities. Exterior runs, cages or exercise areas on a minimum parcel size of three (3) acres may be permitted subject to the following limitations:
 - 1. Setbacks for exterior runs, cages, or exercise areas for all animals shall be at least fifty (50) feet from all property lines.
 - 2. That the construction of exterior runs, cages, or exercise areas for small animals such as dogs and cats, incorporate concrete block walls to minimize noise and other disturbances to adjoining properties. Exterior exercise areas for large animals such as horses and cattle shall be enclosed by a fence a minimum of five (5) feet in height.
 - 3. That the property provides a landscape buffer pursuant to Section 12-107(D)(3) of this chapter.
- ~~(c) A boarding stable may be permitted pursuant to a special permit issued in accordance with Article X and subject to limitations contained in subsection (2) above.~~
- ~~(d)~~(c) Kennel facilities as an ancillary use of the animal hospital or clinic facility may be permitted subject to the limitations as specified in subsection (11) below.

~~(11)~~ (10) In the RR, AG, and A-1 districts, animal kennel facilities may be permitted,

subject to the following limitations:

- (a) There shall be adequate soundproofing in any area where animals are contained or treated.
- (b) There shall be a minimum parcel size of three (3) acres.
- (c) All activities shall be conducted indoors, except that exterior runs, cages or exercise areas may be permitted pursuant to a special permit issued in accordance with Article X; and provided that a site plan submitted with the special permit request reflects the following:
 - 1. Setbacks for exterior runs, cages or exercise areas of at least fifty (50) feet from all property lines.
 - 2. That the construction of exterior runs, cages or exercise areas incorporate concrete block walls to minimize noise and other disturbance to adjoining properties.
 - 3. That the property provides a landscape buffer, pursuant to Section 12-107(D)(3) of this chapter.

~~(12)~~ (11) Agricultural uses such as cultivation of crops, groves, thoroughbred and pleasure horses, cattle ranches are permitted in the CC, B-1, B-2, B-3, M-1, M-2, M-3 and RO districts provided the land is free of commercial or industrial structures and such agricultural uses are discontinued upon conversion of the property to an urban use by the property owner or with the property owner's consent or acquiescence.

~~(13)~~ (12) ~~In the RR, AG, and A-1 districts, fish hatcheries are permitted subject to the following limitations:~~

~~(a) There shall be a minimum parcel size of two (2) acres.~~

~~(b) Setbacks for ancillary equipment and structures of at least fifty (50) feet from all property lines.~~

~~(14)~~ (13) ~~Keeping or raising of pigs or hogs shall be prohibited in all zoning districts. It is presumed that the raising, breeding or keeping of swine of any type except for (1) Potbellied Vietnamese Pig, shall be presumed to be a nuisance and shall not be allowed and shall be prohibited in all zoning districts.~~

~~(15)~~ (14) Raising of horses, cattle, goats, sheep, poultry and rabbits is not permitted in any residential zoning district, except for RR, AG, A-1, and R-1, and except as provided in Chapter 12, Article III, Division 5, Nonconforming Uses and Structures of this code for nonconforming uses on farms existing on the date this Ordinance is adopted by the Town Council.

(15) Administrative Determinations.

- (a) Any person who has not been granted an agricultural classification pursuant to Section 193.461, F.S., and is claiming that a parcel of land or a portion of a parcel of land is a farm shall make application for an administrative determination. Requests for such a determination may be made to either the building official or the code compliance official on forms provided by the Development Services Department.
- (b) Whichever official receives the written request shall forward a copy of the application to the other official. Both officials shall jointly review the application and any supporting documents to determine whether the parcel is a farm and whether the activities taking place on the parcel are farm operations and activities in accordance with the criteria as set forth below in subparagraph (16). Within forty-five (45) calendar days after the receipt of a complete and sufficient application, the officials shall jointly either grant the application or respond to the applicant in writing the reason or reasons for denial. If the code compliance official and the building official cannot agree as to whether the application should be granted, the decision will be deemed to be a denial. The decision shall be mailed by U.S. Mail to the address indicated on the application, return receipt requested.
- (c) If the applicant disagrees with the determination of the officials, the decision may be appealed by notifying either official in writing that the applicant is appealing the administrative decision. The notification shall be received no later than thirty (30) calendar days after the administrative decision is 'rendered'. If the notification is not received within thirty (30) days after rendition of the decision, the applicant is deemed to have waived the right to challenge the decision. For the purposes of this subparagraph, the term 'rendered' means ten (10) calendar days after the date the decision was mailed. The time frame to seek an appeal shall be stayed until the final determination by the Broward County Value Adjustment Board if the applicant has appealed the decision of the classification of the applicant's property pursuant to s. 193.461, F.S.
- (d) Upon receipt of a timely notice of appeal, the appeal shall be assigned to a Hearing Officer. The procedures for conducting hearings shall be approved by a Resolution of the Town Council and incorporated in the Town Code. The hearing shall be set no later than sixty (60) days from the date of the notice of appeal unless an extension of time is requested or agreed to by the applicant.
- (e) The Town Attorney shall represent the Town in the administrative

hearing. The Hearing Officer shall determine whether the parcel is a farm and whether the activities taking place on the parcel are farm operations and activities in accordance with the criteria as set forth below in subparagraph (16) and the definitions of 'farm' set forth within Section 12-503 of the Land Development Code and 'agricultural uses' as that term is defined pursuant to Section 12-32(A), applicable statutes, or established case law.

- (f) Nothing in this section prohibits the officials from reconsidering and reversing a denial of the administrative decision at any time prior to the start of the hearing before the Hearing Officer.
- (g) The Hearing Officer shall, within forty-five (45) days of the hearing, issue a proposed order which shall include findings of fact and conclusions of law with respect to the claim of the applicant.
- (h) The decision of the Hearing Officer is final. Appeal of the Hearing Officer's decision shall be by petition for writ of certiorari to the circuit court pursuant to the Florida Rules of Appellate Procedure, within thirty (30) days of the rendition of the Hearing Officer's findings.

(16) Criteria for Farm Claims

The criteria set forth below shall be considered in both the administrative determination and in the hearing by the Hearing Officer. The applicant shall not be required to show that the applicant meets all of the criteria. However, the applicant shall be required to show that the applicant meets a sufficient number of the criteria under the particular circumstances for the officials or the Hearing Officer to determine that the applicant's property is a farm.

- (a) The general intent of the 'Right to Farm Act' is to preserve productive land for agricultural purposes and to protect established farmers from the demands of sprawling urban development.
- (b) The applicant can demonstrate that there are clearly identifiable farm products as defined in Section 12-503 resulting from the farm operation.
- (c) The proportion of the gross acreage of the land used for agricultural purposes and the intensity of that agricultural purpose as compared to any residential or other nonagricultural uses which are also present on the land.
- (d) Whether the parcel in question is comparable to similar farm operations of the same type in the community which are classified as agricultural pursuant to Section 193.461, F.S., or which have been determined to be a farm pursuant to Section 12-34() Animals,

subparagraph (15) of the Town of Davie Land Development Code.

- (e) Whether a Schedule 'F' or other Federal Income Tax return has been filed in connection with any farm income and expenditures.
- (f) The length of time the land has been used for agriculture by the current operator and the level of agricultural activity achieved commensurate to this time period.
- (g) The amount of time, effort and capitalization invested in the agricultural use of the land.
- (h) Membership or involvement with agricultural associations, such as the Farm Bureau, the Nursery and Growers Association, breed societies or other organizations which may be specific to various forms of agriculture.

(17) Section 12-34 () Animals conforms to s. 823.14 F.S., the Florida Right to Farm Act, which prohibits a local government from the adoption of any ordinance, regulation, rule, or policy to prohibit, restrict regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, where such activity is regulated through implemented best-management practices or interim measures developed by the Department of Environmental Protection, the Department of Agricultural and Consumer Services, or water management districts and adopted under chapter 120 as part of a statewide or regional program.

Sec. 12-503. Definitions

~~Dude ranch. A ranch or resort for paid visitors that offers horseback riding or other equestrian activities typical of western ranches. A dude ranch shall not include lodging facilities to accommodate visitors overnight.~~

Farm. The land, buildings, structures and machinery which are primarily adapted and used for agricultural purposes when such land is classified agricultural pursuant to Section 193.461, F.S., or has been determined to be a farm pursuant to a joint administrative determination by the code enforcement official and the building official or a final order of a Hearing Officer in accordance with Section 12-34 () Animals, subparagraph (15) of the Town of Davie Land Development Code.

Farm building or structure. Any building or structure located on a plot classified as a farm, which is used to house or store farm products or materials and equipment necessary to farm operations. A farm structure shall also include fences, walls and hedges along the plot line of a farm.

Farm Operation. All conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with the production or marketing of farm products.

Farm Product. Any plant, as defined in Section 581.011, F.S., any animal, except household pets, useful to humans including any product derived therefrom, the cultivation of crops, groves, thoroughbred and pleasure horse ranches, including horse boarding, private game preserves, fish breeding areas, tree and plant nurseries, cattle ranches, and other similar activities involving livestock or poultry.

Livery stable. ~~A stable that offers horses for rent.~~

Livestock. Grazing animals, such as cattle, horses, sheep, swine, goats, other hoofed animals, ruminants, ostriches, emus, and rheas.

Plant Nursery. ~~An agricultural enterprise engaged in the propagation and cultivation of plants and agricultural food stuffs potted or inground for wholesale or retail sale. Sales activities are restricted to the sale of agricultural products grown on the site. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.~~

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This ordinance shall take effect immediately upon its passage and adoption

PASSED ON FIRST READING THIS ____ DAY OF _____, 2001

PASSED ON SECOND READING THIS ____ DAY OF _____, 2001

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001

Sec. 12-32. Table of permitted uses.

(A) RESIDENTIAL DISTRICTS
GENERAL USE

	<u>DISTRICTS</u>								
	<i>RR</i>	<i>AG</i>	<i>S</i>	<i>A-1</i>	<i>R-1</i>	<i>R-2-5</i>	<i>RM-5</i>	<i>RM-8-16</i>	<i>MH-1-10</i>
Agriculture Uses	P	P	N	P	*	N	N	N	N
Dwellings, Mobile Home	N	N	N	N	N	N	N	N	*
Dwellings, Multiple-family	N	N	P	N	N	N	P	P	N
Dwellings, Single Family Attached	N	N	P	N	N	N	P	P	N
Dwellings, Single Family Detached	P	P	P	P	P	P	N	N	N
Dwellings, Semi-detached	N	N	P	N	N	N	P	P	N
Equestrian Facilities	P	P	N	P	*	N	N	N	N
Family Day Care Home	*	*	*	*	*	*	*	*	*
Farms	P	P	N	P	*	N	N	N	N
Group Home	P	P	P	P	P	P	P	P	P
Guest Cottage	P	P	N	P	P	N	N	N	N
Home Occupation	*	*	P	*	*	P	P	P	P
Life, Residential Care Facility	N	N	N	N	N	N	N	*	N
Recreational Facilities	*	*	*	*	*	*	*	*	*
Special Resid. Facilities	*	*	*	*	*	*	*	*	*
Subdivision Facilities	N	N	N	N	N	N	P	P	P
Watchman's Quarters	*	*	N	*	N	N	N	N	N

P = Permitted by right in this district.

N = Not permitted in this district.

* = Conditionally permitted subject to detailed use regulations (Section 12-34).

Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, Section 12-33 and Detailed Use Regulations, Section 12-34 of this Article.

The term "agricultural uses" is to be defined to mean those activities within land areas which are predominantly used as farms, and for the cultivation of crops and livestock including, but not limited to: cropland, pastureland, orchards, vineyards, nurseries, ornamental horticulture areas, groves, confined feeding operations, specialty farms, and silviculture areas.

(B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS

	<u>DISTRICTS</u>							
	<u>SC</u> & <u>B-1</u>	<u>WT</u> & <u>B-2</u>	<u>UC</u> & <u>B-3</u>	<u>O</u>	<u>*FB</u>	<u>CC</u>	<u>CI</u>	<u>RO</u>
Adult Facilities	N	N	*	N	N	N	N	N
Agriculture	*	*	*	*	N	*	N	*
Agriculture, Commercial	*	*	*	*	*	*	*	*
Amusement Parks	N	N	N	N	N	N	N	N
Animal Hospital	P	P	P	N	N	N	P	N
Animal Kennel	N	N	N	N	N	N	P	N
Antique, Crafts Shops	P	P	P	N	N	N	N	N
Athletic/Health Clubs, Gyms	N	P	P	N	P	*	P	N
Art Gallery	P	P	P	P	P	N	N	N
Auction House	N	*	*	N	N	N	*	N
Banks, Financial	P	P	P	P	P	P	N	N
Bakery, Delicatessen	P	P	P	N	P	*	P	N
Barber, Beauty Shops	P	P	P	N	P	*	P	N
Bars, Lounges	N	*	*	N	*	*	*	N
Bingo Establishments	N	1	1	N	N	N	*	N
Boat Yards	N	N	N	N	N	N	P	N
Bookstores, Newsstand	P	P	P	N	P	**	P	N
Botanical Gardens	N	N	N	N	P	N	P	N
Bottled Fuel	N	N	N	N	N	N	P	N
Bowling, Skating	N	P	P	N	N	N	P	N
Cabinet/Carpentry Shops	N	N	N	N	N	N	*	N
Car Wash	N	P	P	N	N	N	P	N
Catering (Food)	N	P	P	N	N	P	P	N
Communication Apparatus	*	*	*	*	*	*	*	*
Contractor, office only	P	P	P	P	N	P	P	P
Convenience Stores	P	P	P	N	*	N	P	N
Dance Halls, Clubs	N	P	P	N	P	N	P	N
Distribution Facilities	N	N	N	N	N	N	P	N
Dry Cleaning	*	*	*	N	N	**	P	N
Florist, Plant Shop	P	P	P	N	P	**	P	N
Game Room, Arcade	N	P	P	N	N	N	P	N
Gardeners, Landscape Contractors	N	N	N	N	N	N	P	N
Gift Shops	P	P	P	N	N	**	P	N
Golf Courses	N	P	P	N	P	N	N	N
Home Occupation	N	N	N	N	N	N	N	P
Hotels, Motels	N	N	*	N	P	*	N	N
Laboratories	N	N	N	P	P	P	P	N
Light Fabrication	N	N	N	P	N	P	P	N
Machine Shop	N	N	N	N	N	N	P	N

(C) BUSINESS PARK AND INDUSTRIAL
GENERAL USE

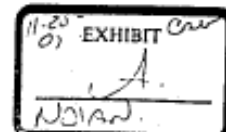
	BP	DISTRICTS		
		M-1	M-2	M-3
Acid, Explosives	N	N	N	N
Agriculture, Commercial Agriculture	*	*	*	*
Animal Kennel	N	*	*	*
Auction House	*	N	N	N
Brewing/Distilling of Malt Beverages or Liquors	N	N	N	N
Business Uses	P	*	*	*
Cement, Concrete, Lime	N	N	P	P
Educational (Adult)	*	*	*	*
Food Processing Facility	N	N	N	P
Foundry, Drop Forging	N	N	N	N
Gravel, Rock Mining	N	N	N	N
Incinerator (Medical, Solid Waste, Biohazardous)	N	N	N	N
Junk Yards	N	N	N	N
Landfill/Trash, Garbage Disposal	N	N	N	N
Light Manufacturing	P	P	P	P
Machine Shop	N	N	P	P
Marina	N	N	*	*
Medium Manufacturing	*	N	P	P
Mixed Use	N	*	*	*
Motor Freight Terminal	N	N	*	*
Office, Professional	P	*	*	*
Petroleum Storage, Refining, Distribution, etc.	N	N	N	N
Retail Sales	P	*	*	*
Sales of Construction Equipment	N	N	P	P
Sandblasting	N	N	N	P
Slaughter Yards	N	N	N	N
Soaps, Detergent, Cleansing Materials Manufacturing	N	N	N	N
Stockyards, Rendering, Glue	N	N	N	N
Storage Yards	N	N	P	P
Trash Transfer Station	N	N	N	N
Truck Stop	N	N	N	N
Vehicle, Boat, Truck, Repair, Major or Minor	N	P	P	P
Vehicle Towing/Storage	N	P	P	P
Vehicle, Boat, Truck Sales	*	P	P	P
Warehouse, Storage	*	*	*	*
Watchman's Apartment	*	*	*	*
Wholesale	P	P	P	P
Yacht Manufacturing and Repairs	N	N	*	N

P = Permitted by right in this district.

N = Not permitted in this district.

* = Conditionally permitted subject to detailed use regulations (Section 12-34).

Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, Section 12-33 and Detailed Use Regulations, Section 12-34 of this Article.



(B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS
GENERAL USE

DISTRICTS

	SC & B-1	WT & B-2	UC & B-3	O	FB	CC	CI	RO
Medical Clinic, Doctor's Office	N	P	P	N	N	P	N	N
Mini Warehouse/Self Storage	N	N	N	N	N	X	X	N
Mobile Home Sales	N	*	*	N	N	N	P	N
Mortuary	N	P	P	N	N	N	P	N
Motion Picture Studio	N	N	N	N	N	P	P	N
Motor Fuel Pumps	N	*	*	N	*	N	*	N
Movie Theater, Performing Arts	N	P	P	N	P	N	P	N
Night Clubs	N	*	*	N	*	**	*	N
Nursery, Child Care Facility	*	*	*	N	*	*	N	N
Office	P	P	P	P	P	P	P	P
Office Equipment Sales	N	P	P	N	P	*	P	N
Parking Lot, Rental	N	P	P	N	*	N	N	N
Pawnshop	N	P	P	N	N	N	P	N
Personal Services	P	P	P	N	P	**	*	N
Pharmacy	N	P	P	N	P	*	*	N
Photographic Studio	P	P	P	N	P	P	P	N
Plant Nursery	P	P	P	P	P	N	P	P
Pool Rooms	N	P	P	N	N	N	P	N
Printer	N	P	P	N	P	P	P	N
Private Club	N	N	P	N	P	N	N	N
Radio or TV Station	N	N	N	N	N	P	P	N
Real Estate Office	P	P	P	P	*	P	P	P
Repair Shop, except vehicle or boat repair	N	P	P	N	N	N	P	N
Research Facilities	N	N	N	P	P	P	P	N
Residential Uses	*	N	*	N	*	*	*	*
Restaurants, Fast Food	N	P	P	N	P	N	*	N
Restaurant, Other	*	P	P	N	P	*	*	N
Retail Sales Other	P	P	P	N	P	**	P	N
Sales Office	P	P	P	P	P	P	P	P
Schools—Special, Private	N	*	*	*	*	N	N	N
Schools, Trade, Vocational and Other	N	*	*	*	*	N	*	N
Service Stations	N	N	N	N	N	N	*	N
Sheet Metal Shop	N	N	N	N	N	N	*	N
Special Residential Facilities	*	*	*	N	N	N	N	N
Sports Arena	N	N	N	N	N	N	N	N
Studios (Art, Music)	P	P	P	N	N	P	*	P
Truck, Auto, Trailer, Utility Rental	N	N	P	N	N	P	P	N
Vehicle Customizing	N	N	N	N	N	N	*	N
Vehicle, Boat, Truck, Repair Major	N	N	N	N	N	N	*	N
Vehicle Repair, Minor	N	*	*	N	N	N	P	N
Vehicle Towing	N	N	N	N	N	N	*	N
Vehicle Boat, Truck Sales	N	N	*	N	N	*	*	N
Warehouse, Storage	N	N	*	N	*	*	*	N

DEVELOPMENT SERVICES DEPARTMENT

MEMORANDUM

PZ 12-15-01

TO: Local Planning Agency

FROM: Development Services Department Staff

RE: Comments and Recommendations for "AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTIONS 12-34. ENTITLED "STANDARDS ENUMERATED"; PROVIDING FOR DETAILED USE REGULATIONS RELATED TO FARMS AND AGRICULTURAL USES; AND AMENDING SECTION 12-503 ENTITLED "DEFINITIONS"; PROVIDING FOR DEFINITIONS RELATING TO FARMS AND AGRICULTURAL USES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE."

The following represents staff's review of the proposed ordinance. Based upon our review, staff has found a number of defects and additional concerns which will lead to future regulatory problems. Staff would request the opportunity to prepare an ordinance that adequately addresses the concerns advanced previously by the public and staff itself. Indicated below are staff comments on the ordinance on a section by section basis.

12-34(B) Agriculture

Comment:

The term "agriculture" is consistent with the editorial note defining agriculture under Section 12-32, Table of Permitted Uses.

Recommendations:

No changes to the title.

12-34(B)(1) Proposed Language

Comment:

Staff is of the opinion that this section is adequate and no changes are necessary. The amendment proposed an arbitrary figure and would require further justification as to its suitability.

Recommendations:

Staff recommends changing to a 14' X 14' stall, acknowledging larger breeds of livestock.

12-34(B)(2) Proposed Language

Comment:

Staff believes the provision is necessary to address and regulate potential impacts of boarding and riding stables on surrounding property. However, staff is in agreement with deleting breeding from this section as such activity is consistent with the definition of farm in the Right to Farm Act (823.14).

Recommendations:

(2) Dude ranches, riding stables, livery stables, ~~breeding~~, and boarding stables are permitted in the RR, AG, and A-1 districts by special permit issued pursuant to Article X, and are limited to a maximum of eight (8) horses per acre.

12-34(B)(3) Proposed Language

Comment:

In staff's judgment, the current regulation is appropriate, works, and merits no change. The CC, Commerce Center District has been omitted in the proposed language and is presumed to be a scrivener's error.

Recommendations:

No changes to existing provision.

12-34(B)(4) Proposed Language

Comment:

In staff's view, this section is appropriate and is also important since it protects property in the R-1 (residential) district while balancing the rights of individuals opting to maintain such livestock.

Recommendations:

No changes to existing provision.

12-34(B)(5) Proposed Language

Comment:

Staff does not agree with the proposal because the livestock limitation relates to pasture rental in the RR, AG and A-1 districts. Essentially, the provision is suitable as it currently exists.

Recommendations:

No changes to existing provision.

12-34(B)(6) Proposed Language

Comment:

The current regulation is satisfactory as it permits a property owner in R-1 to conduct pasture rental with two (2) livestock on the property per thirty-five thousand (35,000) square feet.

As indicated in #4 preceding, R-1 is a residential, single-family district whereby the rights of all property owners must be balanced and protected.

Recommendations:

No changes to existing provision.

12-34(B)(7) Proposed Language

Comment:

Staff is not sure of the purpose related to “kept or raised.” Further, staff is in agreement with the removal of twenty-five percent of the allowable building space on the site and recommends its deletion.

Staff recognizes that such establishments will most likely have some portion of its inventory related to agricultural products but not necessarily grown on site. Additionally, small portions of such inventory may include ancillary products.

Recommendations:

(7) In the RR, AG, and A-1 districts, retail sales shall ~~be limited to~~ primarily be agricultural products grown on site. ~~and shall be limited to a maximum of twenty-five percent of the allowable building space on the site.~~

12-34(B)(8) Proposed Language

Comment:

Staff concurs.

Recommendations:

No changes to existing provision.

12-34(B)(9) Proposed Language

Comment:

Staff concurs; however, future amendments should address the issue of separating kennel and veterinarian-related provisions into separate sections.

Recommendations:

No changes to existing provision.

12-34(B)(10) Proposed Language

Comment:

Staff does not agree with the suggested change since the boarding stable in question relates to animal hospitals and clinics that may hold domestic and agriculturally-related animals. Therefore, the special permit requirements are essential in protecting the property rights of surrounding owners.

Recommendations:

No changes to existing provision.

12-34(B)(11) Proposed Language

Comment:

Staff concurs. Please see comments in section 9.

Recommendations:

No changes to existing provision.

12-34(B)(12) Proposed Language

Comment:

Staff needs justification for the necessity related to the recommended language. It appears the provision deletes the Town's sovereign authority to administratively rezone property if warranted.

Recommendations:

No changes to existing provision.

12-34(B)(13) Proposed Language

Comment:

Staff questions the rationale for deleting this section and is not clear as to why this is proposed.

Recommendations:

No changes to existing provision.

12-34(B)(14) Proposed Language

Comment:

Staff does not agree with the recommended language. It is staff's recommendation

that the existing section is appropriate with the recommended proposal by staff below.

Recommendations:

(14) Keeping or raising of pigs or hogs shall be prohibited in all zoning districts, with the exception of one (1) Potbellied Vietnamese Pig to be raised as a domestic household pet.

12-34(B)(15) & (16) Proposed Language relative to new sections added

Comment:

Staff needs justification for the necessity related to the recommended language.

Recommendations:

No further action needed.

Proposed 12-34(B)(15) Administrative Determinations and 12-34(B)(16) Criteria for Farm Claims

Comment:

The language is verbatim of the Broward County Code. The term “Hearing Officer” is not used in the Town of Davie and must be changed to “Special Master” to be applicable. The code compliance official shall be changed to planning and zoning manager so as not to create a conflict under the employee’s job function.

Recommendations:

Staff is of the opinion that the language is not necessary and recommends exclusion from the Code. If such legislation should be enacted it should be in a separate ordinance and not in the Land Development Code.

12-34(B)(17) Proposed Language

Comment:

Statute citations are incorrect (193.461 missing FS). The reference to chapter 120 is unknown.

Recommendations:

This section should be at the beginning of the ordinance as the stated intent of the ordinance and not in the ordinance itself.

12-503 Proposed Definitions

Dude Ranch: Should not be deleted.

Farm: The proposed language is not a definition but rather an administrative procedure. Should the definition be changed it should be farm as defined by 823.14

F.S.

Farm Building: verbatim of Broward County

Farm Operation: verbatim of Broward County

Farm Production: verbatim of Broward County

Livery Stable: Should not be deleted.

Livestock: Definition should begin with “Including but not limited to”

Plant Nursery: Should not be deleted.